

IN THE UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF MISSOURI

EPICE CORPORATION,
a Nevada corporation,

Plaintiff,

v.

THE LAND REUTILIZATION
AUTHORITY OF THE CITY OF ST.
LOUIS, MISSOURI, et al.,

Defendants.

Case No. 4:07CV00206 HEA

**PLAINTIFF'S RESPONSES TO THE MOTION FOR SUMMARY JUDGMENT
AS TO COUNT III OF PLAINTIFF'S FOURTH AMENDED COMPLAINT OF
DEFENDANT CITY OF ST. LOUIS**

COMES NOW Plaintiff, by and through its attorney, and for its Responses to the Motion for Summary Judgment as to Count III of Plaintiff's Fourth Amended Complaint of Defendant City of St. Louis, states:

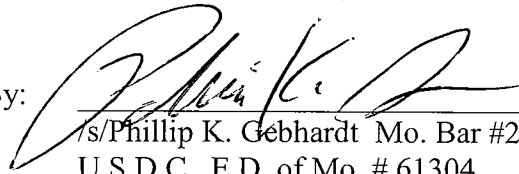
1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied. Plaintiff denies the statement made in paragraph 6 of the LRA/City Statement of Facts in Support of their Motion for Summary Judgment as to Count III of the Fourth Amended Complaint on the basis that said paragraph states propositions of law not statements of fact. *See Morey Engineering & Construction Co. v. St. Louis Artificial Ice Rink Co.,*

242 Mo. 241, 146 S.W. 1142, 1144-1145 (1912) (the term "owner" can include a lienholder).

Respectfully submitted,

GEBHARDT REAL ESTATE AND
LEGAL SERVICES, L.L.C.

By:



/s/Phillip K. Gebhardt Mo. Bar #29569

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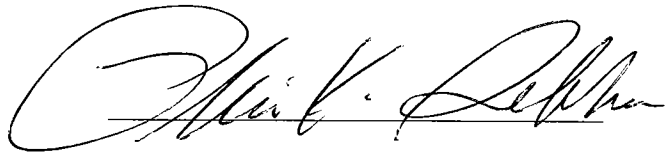
Fax (636) 586-3504

E-mail at pkgmag@swbell.net

Co-counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was served in accordance with this Court's electronic filing procedures on the 29th day of March 2010 to Anthony Sestric, Special Assistant Circuit Attorney, Attorney for Defendants Collector and James W. Murphy, Sheriff of the City of St. Louis, Donald C. Dylewski, Attorney for Defendants City of St. Louis and the Land Reutilization Authority of the City of St. Louis, Robert M. Hibbs, Attorney for Defendants City of St. Louis and the Land Reutilization Authority of the City of St. Louis, Daniel J. Proost, Attorney for Defendants Collector and Sheriff; and James A. Michael, Jr., Attorney for Defendants Collector and Sheriff.



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File No. 06-386-L-5230

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